

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (PCT Article 36 and Rule 70)

Applicant's or agent's file reference  PL-00699-PCT	<b>FOR FURTHER ACTION</b>  See Notice on Sending the International Preliminary Report on Patentability (Form PCT/IPEA/416)	
International Application No. PCT/DE 03/04118	International Filing Date ( <i>day/month/year</i> ) 19.12.2003	Priority Date ( <i>day/month/year</i> ) 9.1.2003
International Patent Classification (IPC) or national classification and IPC B60J7/14		
Applicant WILHELM KARMANN GMBH ET AL		

1.	This report is the international preliminary examination report, established by the International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of 5 sheets, including this cover sheet.	
	<input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, comprising sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).  These annexes contain a total of 4 sheets.	
3.	This report contains indications relating to the following items:	
<input checked="" type="checkbox"/>	Box No. I	Basis of the Report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 66.2a)ii) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of application  September 7, 2004	Date of completion of this report  November 8, 2004
Name and mailing address of the International Preliminary Examining Authority European Patent Office – POB 5818 Patentlaan 2 NL/2280 HV Rijswijk – Netherlands Tel.: +31 70 340 – 2040 Tx: 31 651 epo nl Fax: +31 70 340 – 3016	Authorized officer  E. Verkerk  Tel.: +31 70 340-4344

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY**

International File No.: PCT/DE 03/04118

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**I. Basis of Report**

1. With regard to the **components** of the International Application (*replacement sheets that were submitted to the Application Office upon request according to Article 14, [the following] are valid as part of this report as "originally submitted" and are not enclosed with it, because they contain no amendments (Rules 70.16 and 70.17):*

**Description, Pages**

1-13 in the version originally submitted

**Claims, Nos.**

1-11 received on Sept. 7, 2004 with letter of Sept. 7, 2004

**Drawings, Sheets**

1/12-12/12 in the version originally submitted

2. With regard to the **language**: All components listed above were available to the authorities in the language in which the International Application was submitted or were submitted in it, if not otherwise specified under this point.

The components were available to the authorities in the language or were submitted in that language: it is:

- ☐ the language of the translation that was submitted for the purpose of the International Search (under Rule 23.1(b),
- ☐ the language in which the International Application was published (under Rule 48.3(b)),
- ☐ the language of the translation that was submitted for the purpose of the International Preliminary Examination (under Rule 55.2 and/or 55.3).

3. With regard to the **nucleotide and/or amino acid sequence** disclosed in the International Application, the International Preliminary Examination was made on the basis of the Sequence Report that:

- ☐ is contained in written form in the International Application.
- ☐ was submitted in computer-readable form with the International Application.
- ☐ was submitted in written form later to the authorities.
- ☐ was submitted in computer-readable form later to the authorities.
- ☐ The declaration that the written Sequence Report submitted later does not go beyond the content disclosed in the International Application at the time the application was submitted.
- ☐ The declaration that the information entered in computer-readable form corresponds to the written Sequence Report was submitted.

4. Based on the amendments, the following documents have been omitted:

[ ] Description, Pages:

[ ] Claims, Nos.:

[ ] Drawings, Sheet:

5. [ ] This report was drawn up without considering (some) of the amendments, since they go beyond the content disclosed in the version originally submitted in the opinion of the authorities for the reasons given (Rule 70.2(c)).

*(Please refer to the extra sheets containing such amendments under Point 1; they are enclosed with this report.)*

6. Any additional comments:

V. **Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement.**

1. Statement	
Novelty (N)	Yes: Claims 1-11
	No: Claims
Inventive Step (S)	Yes: Claims 1-11
	No.: Claims
Industrial Applicability (IA)	Yes: Claims 1-11
	No.: Claims:

2. Citations and Explanations:

**see enclosed sheet**

**INTERNATIONAL PRELIMINARY  
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**On Point V**

**Reasoned Statement with Regard to Novelty, Inventive Step and Industrial Applicability; Citations and Explanations Supporting Such Statement**

1. Please refer to the following documents:  
D1: DE 101 59 390 C (CTS FAHRZEUG DACHSYSTEME GMBH [CTS VEHICLE ROOF SYSTEMS INC.] November 21, 2002 (11-21-2002).
2. This application meets the requirements in PCT Article 33(1), because the subject of Claim 1 is novel, is based on an inventive step and has industrial applicability (PCT Articles 33(2), 33(3) and 33(4)).
  - 2.1 Document D1 is regarded as the closest state of the art in relation to the subject of Claim 1. It discloses the preamble to Claim 1, see column 4, lines 11-21 and column 5, lines 29-31 (the references in brackets relate to this document):

A cabriolet motor vehicle with a roof (1) comprising at least two moving units (2,3) that are fastened to the chassis on main bearings so they can move and to which at least one rigid roof part (2,3) is assigned, whereby a rigid rear roof part (2) comprising a rear window is connected to a main bearing (14b, 15b) via a multi-part link chain (6), whereby one part (8, 13) of the link chain brings about at least one movement of the rigid roof part (2) in relation to the main bearing (14b, 15b) and one part (12, 16) of the link chain brings about at least one change in the angular setting of the rigid roof part (2) and thereby the rear roof part (2) can be swiveled up with its front edge as the roof starts to open.

The subject of Claim 1 is therefore different from the known roof in that  
at the same time a front roof part can be moved back so the roof parts nest one inside the other

The subject of Claim 1 is therefore novel (PCT Article 33(2)).
  - 2.2 The problem to be solved with this invention can therefore be seen to reduce the opening time of a roof provided with several separate moving units.

The solution proposed to this problem in Claim 1 of this invention is based on an inventive step for the following reasons (PCT Article 33(3)):

A multi-part link chain that controls the sequence of movement of the rear roof part in such a way that it is possible simultaneously to move the front part of the roof back to nest one inside the other, is neither known from the present state of the art nor is it made obvious by it.
3. Claims 2-11 are dependent on Claim 1 and thus also meet the requirements of the PCT with regard to novelty and inventive step.
4. The subject of the claims concerns a motor vehicle roof and is industrially applicable in cabriolet vehicles, for example.

Claims:

[Translator's Note: These claims are identical to the ones in the first part of this translation, except for Claim 1. In the first part, Claim 1 ends without a period after the word "bewirkt". In this second part, there is another phrase after the word "bewirkt" which completes Claim 1. The second Claim 1 is given in full below. The part that does not appear in the first version of Claim 1 is underlined to make it stand out.]

1. A cabriolet motor vehicle (1) with a roof (2;102) having at least two moving units (6,14;106,114) that are fastened to the chassis on main bearings (7,8;15,16;107,108;115) so they can move and that have at least one rigid roof part (3,4;103,104) assigned to them,  
**characterized by the fact**  
that at least one rear part (4;104) of the rigid roof, including a rear window, is connected to a main bearing (15,16;115) by a multi-link chain (17;117), wherein at least one part (18;118) of the link chain (17;117) sets that part (4, 104) of the rigid roof in motion in relation to the main bearing (15, 16; 115) and at least one part (19; 119) of the link chain (17; 117) changes the angular adjustment of that part (4; 104) of the rigid roof and by the fact that the rear part (4; 104) of the roof can be swiveled up with its leading edge when the roof starts opening and at the same time the front part of the roof (3;103) can be moved back so the roof parts (3,4;103,104) nest inside one another.